IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15742 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DHIRAJLAL DHANJIBHAI GORIA

Versus

DEVELOPMENT COMMISSIONER

Appearance:

1. Special Civil Application No. 15742 of 2003

MR JAGDISH H MEHTA for Petitioner No. 1

MR PRASHANT MANKAD for Petitioner No. 1

MR LB DABHI, ASST. GOVERNMENT PLEADER for Respondent No. 1

MR PV HATHI for Respondent No. 2-3

MR PN BAVISHI for Respondent No. 4

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 28/01/2004

ORAL JUDGEMENT

Learned advocate Shri Jagdish Mehta appearing for the petitioner seeks permission to delete para 11 of the petition. Permission granted. The petition stands amended accordingly.

2. Rule. Service of rule is waived by learned AGP Shri L.B. Dabhi for respondent No. 1, learned advocate Shri P.V. Hathi for respondents Nos. 2 and 3 and learned advocate Shri Vyas for respondent No. 4. At the request of the learned advocates, the petition is finally heard today.

3. The grievance, which the petitioner has ventilated in the petition, is with regard to not taking final decision in pursuance of a show-cause notice dated 2.3.2003 issued to the members of the Gorkhijadia Gram Panchayat, which is at Annexure 'G' to the petition. It has been submitted by learned advocate Shri Mehta that in pursuance of the said show-cause notice, respondent No. 1 has already heard the concerned parties but he has not decided the matter till today. The said fact has not been disputed by other respondents.

4. Learned AGP Shri Dabhi has however submitted that during the pendency of the proceedings before respondent No. 1, the concerned officer has been transferred and, therefore, the officer, who has resumed duty as Development Commissioner, will have to hear the parties again and the said process might take some time. He has, therefore, submitted that all possible efforts shall be made by respondent No. 1 to hear and decide the matter as soon as possible.

5. Looking to the facts of the case, it is directed that respondent No. 1 shall take appropriate steps for hearing the matter, and after hearing the concerned parties, shall take final decision in pursuance of the show-cause notice dated 2.3.2003 within a period of one month from today.

In the circumstances, the petition is allowed. Rule is made absolute to the above extent with no order as to costs.

(A.R. Dave, J.)

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